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EXAMINER	
AFSHAR, KAMRAN	
ART UNIT	PAPER NUMBER
2617	
MAIL DATE	DELIVERY MODE
11/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/550,009	CHEN ET AL.	
	Examiner	Art Unit	
	KAMRAN AFSHAR	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,13-15,17 and 20-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15* is/are rejected.

7)☒ Claim(s) *1-10,13,14,17 and 20-35* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In further review of the Applicant's arguments filed on 08/01/2008 have been fully considered but they are not persuasive.

Rejections under 35 U.S.C. § 101

In response to applicant's argument that: "Specifically, the Present Specification describes the claimed invention sufficiently for one skilled in the art to understand and apply the claimed invention. [Present Specification, page 10, line 5 through page 13, line 13 and the accompanying figures] Furthermore, a person skilled in a person skilled in the art would immediately recognize that the constituent components of the invention, such as a serving support node, gateway support node, radio network controller, and so on, are typically implemented on computer hardware, and therefore a skilled person of the art would be in no doubt from the description and the drawings that the invention is able to be manifested in the form of a computer readable medium on which a program to be executed by a computer has been recorded. Therefore, the rejection should be withdrawn (See Page 13). It is noted that Applicant did not address the 101 rejection which the whole claims is a signal (See Page 13). It is noted the features upon which Applicant relies (i.e. computer readable recording medium) is not supported by the disclosure of the invention as originally filed. This is fully addressed in the rejections of the claim 15 as discussed below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In accordance with the claimed language of claim 15, the claimed invention is directed to description or expression of "A computer readable recording medium on which a computer program to be executed by a computer has been recorded", which is directed to computer processing related claim. There is no clear and precise reference for a computer readable recording medium on which a computer program to be executed by a computer has been recorded. Thus, the medium recited in claim 15 which is for communicating information via wireless communication can be interpreted as a signal or carrier wave when it communicates, which does not fall within one of the four statutory classes of 101.

3. Claims 15 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a "A computer readable recording medium on which a computer program to be executed by a computer has been recorded" asserted utility or a well established utility. The claim(s) contains subject matter "A computer readable recording medium on which a computer program to be executed by a computer has been

recorded", which was not described in the specification in such a way as to reasonably convey to one skilled in the art.

4. Claim 15 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a "A computer readable recording medium on which a computer program to be executed by a computer has been recorded" asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Objections

5. Claims 1-10, 13-15, 17 and 20-35 are objected to because of the following informalities:

Claims 1, 2, 6, 14, 15, 34, recite word(s) "being operable", "operable" which should be changed to "operates or operating" to be clear as to what are positively claimed. It is noted that any programmable machine can be programmed to operate the claimed invention.

Claims 3-5, 7-10, 13, 20-35 are objected as they are directly and or indirectly depended on rejected claim(s). Appropriate correction is required.

Allowable Subject Matter

6. Upon proper overcome of the rejection and objection as discussed above in items 1-5, Claims 1-10, 13-15, 17 and 20-35 would be allowed.

The following is an examiner's statement of reasons for allowance: 1-5, Claims 1-10, 13-15, 17 and 20-35.

With respect to claim 1, the prior art of record fails to disclose singly or in combination or render obvious that the serving support node is operable, in response to the context application request data

from the mobile user equipment, to parse an internet packet addressed to the mobile user equipment comprising an internet protocol header and a plurality of different types of data, to generate a payload data types indicator in which the payload data type indicator is a representation of payload types information describing the different types of payload data in the internet packet addressed to the mobile user equipment and append the payload data types indicator to the internet packet addressed to the mobile user equipment, and to send the internet packet addressed to the mobile user equipment with the appended payload data types indicator to the radio network controller via the virtual communications channel, and the radio network controller "**being operable**" to identify the payload data types indicator, and in accordance with the payload data types indicator, to provide each of the different types of payload data of the internet packet addressed to the mobile user equipment to a corresponding radio bearer.

With respect to claims 6, 15, the prior art of record fails to disclose singly or in combination or render obvious that the using the serving support node, in response to the context application request data from the mobile user equipment to parse an internet packet addressed to the mobile user equipment comprising an internet protocol header and a plurality of different types of data, to generate a payload data types indicator in which the payload data types indicator is a representation of payload types information describing the different types of payload data in the intemet packet addressed to the mobile user equipment and append the payload data types indicator to the internet packet addressed to the mobile user equipment, and sending the intemet packet addressed to the mobile user equipment with the appended payload data types indicator to the radio network controller via the virtual communications channel, and the radio network controller being "**being operable**" to identify the payload data types indicator, and in accordance with the payload data types indicator, to provide each of the different types of payload data of the intemet packet addressed to the mobile user equipment to a corresponding radio bearer.

With respect to claim 14, the prior art of record fails to disclose singly or in combination or render obvious that the serving support node is "**operable**", in response to the context application request data from the mobile user equipment to parse an internet packet addressed to the mobile user equipment comprising an internet protocol header and a plurality of different types of data, to generate a payload data types indicator in which the payload data types indicator is a representation of payload types information describing the different types of payload data in the internet packet addressed to the mobile user equipment and append the payload data types indicator to the internet packet addressed to the mobile user equipment, and to send the internet packet addressed to the mobile user equipment with the appended payload data types indicator to the radio network controller, and the radio network controller "**being operable**" to identify the payload data types indicator, and in accordance with the payload data types indicator, to provide each of the different types of payload data of the internet packet addressed to the mobile user equipment to a corresponding radio bearer.

With respect to claim 17, the prior art of record fails to disclose singly or in combination or render obvious that means for, in response to the context application request data from the mobile user equipment, parsing an internet packet addressed to the mobile user equipment comprising an internet protocol header and a plurality of different types of data, and for generating a payload data types indicator in which the payload data types indicator is a representation of payload types information describing the different types of payload data in the internet packet addressed to the mobile user equipment and appending the payload data types indicator to the internet packet addressed to the mobile user equipment, and means for sending the internet packet addressed to the mobile user equipment with the appended payload data types indicator to the radio network controller, the radio network controller being operable to identify the payload data types indicator, and in accordance with the payload data types indicator, to provide each of the different types of payload data of the internet packet addressed to the mobile user equipment to a corresponding radio bearer.

With respect to claim 34, the prior art of record fails to disclose singly or in combination or render obvious that the serving support node comprises an internet protocol communications layer and a user data tunnelling layer operable to provide the virtual communications channel for communicating user data

between the mobile user equipment and the gateway support node, wherein the serving support node is operable in combination with the gateway support node to respond to context application request data from the mobile user equipment to establish the virtual communications channel between the gateway support node and the mobile user equipment via the serving support node for communicating the internet packets, and in response to the context application request data including a data field representing main set of quality of service parameters and at least one other data field representing a request for a different set of quality of service parameters, each set of quality of service parameters being required for one of the different types of data in the internet packets, to establish a plurality of radio access bearers each in accordance with one of the sets of the quality of service parameters, each radio access bearer being provided for one of the different types of payload data of the internet packets.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Eng, George** can be reached @ (571) 272-7495. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kamran Afshar/

Examiner, Art Unit 2617